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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,963	02/27/2002	Andrew I. Hickson	GB920010047US1	5361
7590	01/26/2006		EXAMINER	
Jeffrey S. LaBaw IBM Corp, IP Law, 11400 Burnett Road Zip 4054 Austin, TX 78758			NGUYEN, VAN H	
			ART UNIT	PAPER NUMBER
			2194	
			DATE MAILED: 01/26/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/087,963	HICKSON ET AL.	
	Examiner	Art Unit	
	VAN H. NGUYEN	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 11 March 2005.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-27 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-27 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____

5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____

DETAILED ACTION

1. Claims 1-27 are presented for examination.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 7, 8, 16, 17, 25, and 26 are rejected under 35 U.S.C. 102(a) as being anticipated by the **Admitted Prior Art (APA)**.

As to claim 7, APA teaches the invention as claimed including a method for detecting the re-use of message data comprising the steps:

receiving a request from an application to put a message, comprising message data, to a queue (page 1, lines 20-30); and
detecting, based on an indicator included with the request, that the message data was previously put to a message queue or got from a message queue by the application (page 2, lines 26-30; and fig.2 and the accompanying text beginning at page 10, line 17).

As to claim 8, APA teaches the indicator is a value which indicates that the message data was involved in the immediately preceding request from the application (page 2, lines 26-30).

As to claims 16 and 17, note the rejection of claims 7 and 8 above. Claims 16 and 17 are

the same as claims 7 and 8, except claims 16 and 17 are computer program product claims and claims 7 and 8 are method claims.

As to claims 25 and 26, note the rejection of claims 7 and 8 above. Claims 25 and 25 are the same as claims 7 and 8, except claims 25 and 26 are data processing apparatus claims and claims 7 and 8 are method claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 9-15, 18-24, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over APA in view of **Microsoft message Queuing Service (MSMQ)**; 1997, pp. 1-21.

As to claim 1, the rejection of claim 7 above is incorporated herein in full. APA, however, does not specifically teach detecting whether there is a previous occurrence of the message data in the log, and if there is not a previous occurrence writing a log record including the message data, but if there is a previous occurrence writing a log record including a reference for locating the previous occurrence of the message data in the log.

MSMQ teaches detecting whether there is a previous occurrence of the message data in the log, and if there is not a previous occurrence writing a log record including the message data, but if there is a previous occurrence writing a log record including a reference for locating the previous occurrence of the message data in the log (e.g., see the MSMQ discussion; pp. 8-10).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of MSMQ with APA because MSMQ's teachings would have provided the capability for keeping track queue properties and locations in the message queue server information service and allowing multiple applications to send messages to and receive messages from , the same queue at the same time.

As to claim 2, APA teaches the request to put a message includes an indication that the message data was put to a message queue or got from a message queue in a previous request from the application (page 2, lines 26-30).

As to claim 3, APA teaches the indication is a value which indicates that the message data was involved in the immediately preceding request from the application (page 2, lines 26-30).

As to claim 4, MSMQ teaches the indication is a token which uniquely identifies the message data within the scope of the application (e.g., see the MSMQ discussion; pp. 8-10).

As to claim 5, APA teaches receiving a request from the application to get a message, comprising message data, from a queue; and storing a reference, separate from the log and associated with the application, for locating a previous occurrence of the message data in the log (page 1, lines 20-30 and page 2, lines 5-30).

As to claim 6, APA teaches if the detecting step detects that there is not a previous occurrence of the message data in the log it further stores a reference, separate from the log and

associated with the message, for subsequently locating the message data in the log (col.9, lines 42-64).

As to claims 9 and 27, they include the same limitations as claims 3 and 4 above, and are similarly rejected under the same rationale.

As to claims 10-15, note the rejection of claims 1-6 above. Claims 10-15 are the same as claims 1-6, except claims 10-15 are computer program product claims and claims 1-6 are method claims.

As to claims 19-24, note the rejection of claims 1-6 above. Claims 19-24 are the same as claims 1-6, except claims 19-24 are computer program product claims and claims 1-6 are method claims.

Response to Arguments

4. Applicant's arguments filed 03 November 2005 have been fully considered but they are not persuasive.

In the remarks, Applicant argued in substance that the cited art does not teach: (a) an indicator included with the request to put a message as recited in independent claims 7, 16, and 25; (b) the detecting step as amended in independent claims 1, 10, and 19.

Examiner respectfully traverses Applicant's remarks.

As to point (a), APA teaches an indicator (*e.g., a record*) included with the request (*e.g., the request*) to put a message (*e.g., puts a message*) [page 2, lines 26-30; and fig.2 and the accompanying text beginning at page 10, line 17].

The scope of the claimed “**an indicator**” clearly transcends the more narrow scope that Applicant attempts to impute through argument. Claimed subject matter, not the specification is the measure of the invention. Limitations in the specification cannot be read into the claims for the purpose of avoiding the prior art, *In re Self*, 213 USPQ 1 (CCPA 1982), *In re Priest*, 199 USPQ 11 (1978). The recited “**an indicator**” is clearly subject to a broad interpretation as detailed in the rejections maintained above. The Examiner has a duty and responsibility to the public and to Applicant to interpret the claims as broadly as reasonably possible during prosecution. *In re Prater*, 415 F.2d 1 393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

During patent examination, the pending claims must be “given their broadest reasonable interpretation consistent with the specification.” *In re Hyatt* 21 1 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969). See also *In re Zletz*, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (1989) “During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow.... The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized, scope and breadth of language explored, and clarification imposed.... An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process.”

In considering an indicator included with the request to put a message, it is noted that Applicant uses terminology that has broad meaning in the art, and thus requires a broad

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interpretation of the claims in determining patentability of the disclosed invention. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. *In re Van Geuns*, 988 F.2d 1 181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicant should set forth claims in language that clearly, distinctly, unambiguously and uniquely define the invention. The fact that Applicant has not narrowed the definition/scope of the current claims implies that Applicant intends an extensive coverage breadth of the claims, which is clearly met by the cited prior art.

As to point (b), the claim limitations as amended are met by MSMQ (e.g., see the MSMQ discussion; pp. 8-10).

Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

6. Any inquiry or a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: (571) 272-2100.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN H. NGUYEN whose telephone number is (571) 272-3765. The examiner can normally be reached on Monday-Thursday from 8:30AM - 6:00PM. The examiner can also be reached on alternative Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM THOMSON can be reached at (571) 272-3718.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

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